


## Exhibit 16

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## PRESS RELEASE

# FBI Attorney Admits Altering Email Used for FISA Application During "Crossfire Hurricane" Investigation

Wednesday, August 19, 2020

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### For Immediate Release

U.S. Attorney's Office, District of Connecticut

Former FBI attorney Kevin Clinesmith, 38, pleaded guilty today in the U.S. District Court for the District of Columbia to a false statement offense stemming from his altering of an email in connection with the submission of a Foreign Intelligence Surveillance Act ("FISA") application, announced John H. Durham, Special Attorney to the Attorney General.

Pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the guilty plea proceeding occurred via videoconference before U.S. District Judge James E. Boasberg.

According to court documents and statements made in court, between July 2015 and September 2019, Clinesmith was employed with the FBI as an Assistant General Counsel in the National Security and Cyber Law Branch of the FBI's Office of General Counsel in Washington, D.C. On July 31, 2016, the FBI opened a Foreign Agents Registration Act investigation, known as "Crossfire Hurricane," into whether individuals associated with the Donald J. Trump for

President Campaign were coordinating activities with the Russian government. By August 16, 2016, the FBI had opened cases under the Crossfire Hurricane umbrella on four individuals, including an individual identified in this case as "Individual #1."

Clinesmith was assigned to provide legal support to FBI personnel working on Crossfire Hurricane, and he assisted FBI personnel with applications prepared by the FBI and the Justice Department's National Security Division to conduct surveillance under the FISA. During the investigation, there were a total of four court-approved FISA applications targeting Individual #1. Each of the FISA applications alleged there was probable cause that Individual #1 was a knowing agent of a foreign power, specifically Russia.

On August 17, 2016, prior to the approval of the first FISA application #1, another U.S. government agency ("OGA") provided certain members of the Crossfire Hurricane team a memorandum indicating that Individual #1 had been approved as an "operational contact" for the OGA from 2008 to 2013 and detailing information that Individual #1 had provided to the OGA concerning Individual #1's prior contacts with certain Russian intelligence officers. The first three FISA applications did not include Individual #1's history or status with the OGA.

Prior to the submission of the fourth FISA application, and after Individual #1 stated publicly that he/she had assisted the U.S. government in the past, an FBI Supervisory Special Agent ("SSA") asked Clinesmith to inquire with the OGA as to whether Individual #1 had ever been a "source" for the OGA. On June 15, 2017, Clinesmith sent an email to a liaison at the OGA ("OGA Liaison") seeking clarification as to whether Individual #1 was an OGA source, and the OGA Liaison responded via email to Clinesmith. On June 19, 2017, Clinesmith altered the email he received from the OGA Liaison by adding the words "not a source," and then forwarded the email to the FBI SSA. Relying on the altered email, on June 29, 2017, the SSA signed and submitted the fourth FISA application to the U.S. Foreign Intelligence Surveillance Court. The application did not include Individual #1's history or status with the OGA.

Clinesmith pleaded guilty to one count of making a false statement within both the jurisdiction of the executive branch and judicial branch of the U.S. government, an offense that carries a maximum term of imprisonment of five years and a fine of up to \$250,000. Judge Boasberg scheduled sentencing for December 10, 2020.

This case is being prosecuted by Special Assistant U.S. Attorney Neeraj N. Patel and Assistant U.S. Attorney Anthony Scarpelli, with the support and assistance of other members of Special Attorney Durham's team.

*Updated August 19, 2020*

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